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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,084	09/12/2003	Douglas P. Goetz	55044US009	8857
32692 7590 03/13/2007 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER ELEY, TIMOTHY V	
			ART UNIT	PAPER NUMBER
			3724	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/13/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/13/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/662,084

Applicant(s)

GOETZ, DOUGLAS P.

Examiner

Timothy V. Eley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. The restriction requirement given November 17, 2006 is hereby withdrawn, in view of applicant's remarks filed December 13, 2006.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 and 4-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Rutherford et al (6,1007,407), as applied in the office action mailed June 09, 2006.

- In regards to claim 16, the fixed abrasive element is contacted by the semiconductor wafer at positions proximate the first and second regions.

Response to Arguments

4. Applicant's arguments filed September 08, 2006 have been fully considered but they are not persuasive.

- Applicant argues that the Office Action's use of the term "rigid segments(12)" as a substitution for the term "rigid elements(12)" used by Rutherford et al. is improper importation of the Applicant's own teachings and disclosures into the prior art reference.

- o Applicant should note that "segment" is defined as: **1** : a portion cut off from a geometric figure by one or more points, lines, or planes: as **a** : the area of a circle bounded by a chord and an arc of

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that circle **b** : the part of a sphere cut off by a plane or included

between two parallel planes **c** : the finite part of a line between two

points in the line

2 a : a separate piece of something : BIT, FRAGMENT <chop the stalks into short *segments*> **b** : one of the constituent parts into which a body, entity, or quantity is divided or marked off by or as if by natural boundaries <all *segments* of the population agree>(Merriam-Webster's Online Dictionary).

- o The Rutherford et al apparatus most definitely can be considered to contain "segments" since Rutherford et al teaches that the rigid segment(12) can include more than one layer of the same or different material. Therefore, the rigid segment(12) may consist of a plurality of rigid segments(12). See column 5, lines 4-14. Also, Rutherford et al discloses that there is at least one rigid element 12 and thus several rigid elements 12 would constitute a plurality of rigid segments. See column 3, lines 29-32.
- Applicant argues that the Examiner has failed to show that Rutherford et al, teach or suggest a plurality of rigid segments at all and that applicant notes that nowhere in the Rutherford et al specification is the term "segment" even used, and in contrast, applicant defines "rigid segments" within the

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specification as components of a "rigid element", and the rigid element 34 includes a number of rigid segments 22 spaced apart from each other by grooves 32.

- o Even though Rutherford et al does not mention the term "segment" in the specification, as stated above, the Rutherford et al apparatus does contain segments.
- Applicant argues that, the Examiner hasn't shown a single instance where Rutherford et al teach or suggest grooves, or rigid segments spaced apart from each other by grooves, and the Office Action thus hasn't shown that Rutherford et al, teaches or even suggests "rigid segments" as presently claimed by the applicant, with a teaching or suggestion of "grooves".
- o The examiner agrees with applicant that Rutherford et al does not teach or suggest grooves, or rigid segments spaced apart from each other by grooves. However, the Examiner has not found a single instance anywhere in applicant's claims that recites or suggests grooves. Therefore, this argument is moot.
- Applicant argues that Rutherford et al teach only that rigid elements may be used as separate layers, and that this is not the same as a teaching of a plurality of rigid segments disposed between the fixed abrasive element and the resilient element, as applicant claims.
- o Applicant does not recite that the rigid segments must be at the same layer.

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- Applicant argues that Rutherford et al does not teach or suggest the advantages resulting from a plurality of rigid segments disposed between a fixed abrasive element and a resilient element as applicant presently claims.
- o It is not required that Rutherford et al teach or suggest any advantages resulting from a plurality of rigid segments disposed between a fixed abrasive element and a resilient element; it is only required that Rutherford et al discloses the claimed subject matter as indicated in the rejection above.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

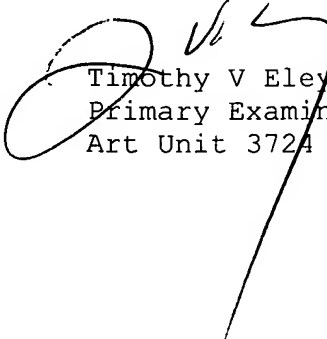
6. Any inquiry concerning this communication or earlier

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communications from the examiner should be directed to Timothy V. Eley whose telephone number is 571-272-4506. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Timothy V Eley
Primary Examiner
Art Unit 3724

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